



National Organic Program Complaint Handling Process

**Compliance & Enforcement Branch
June 2009**

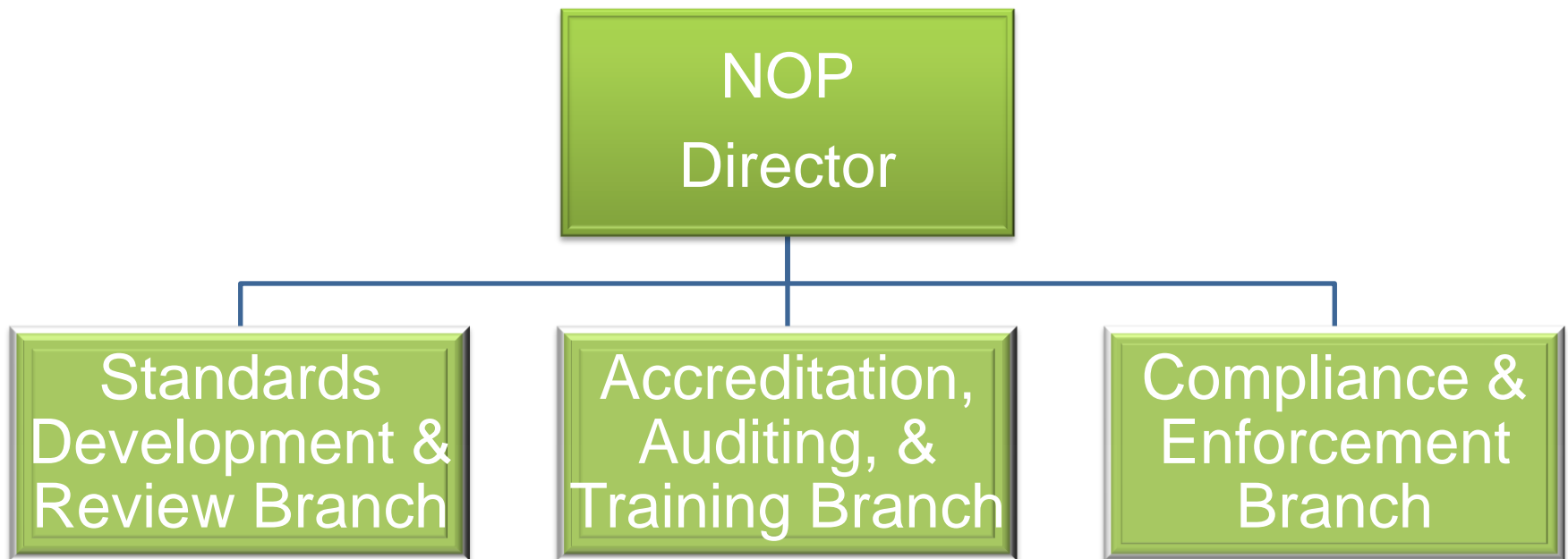


National Organic Program

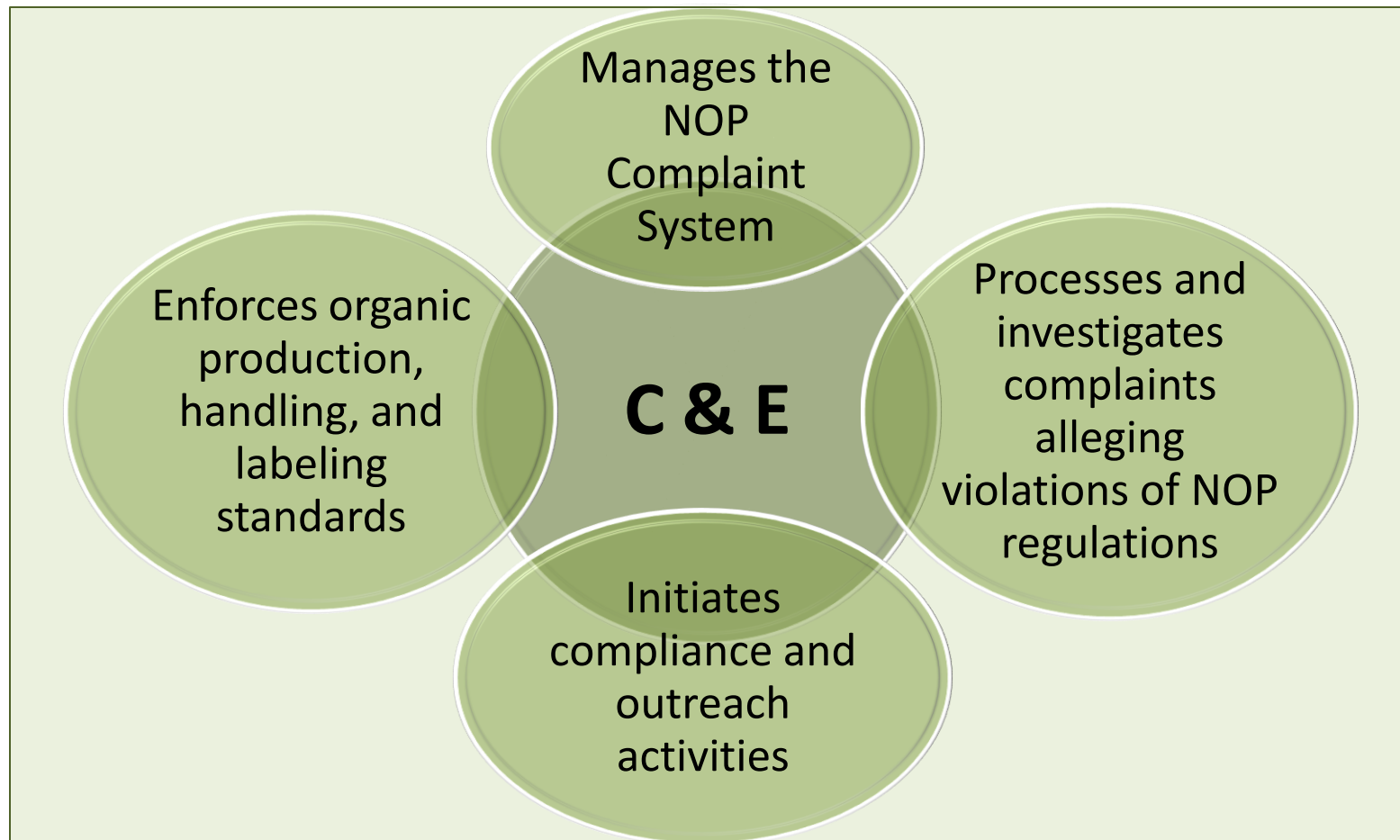
- A marketing program within the USDA AMS
- Develops, implements, and administers national production, handling, and labeling standards for organic agricultural products
- Enforces organic production, handling and labeling standard
- NOP accredits foreign and domestic certifying agents



Organizational Structure



Compliance & Enforcement Branch (C&E)



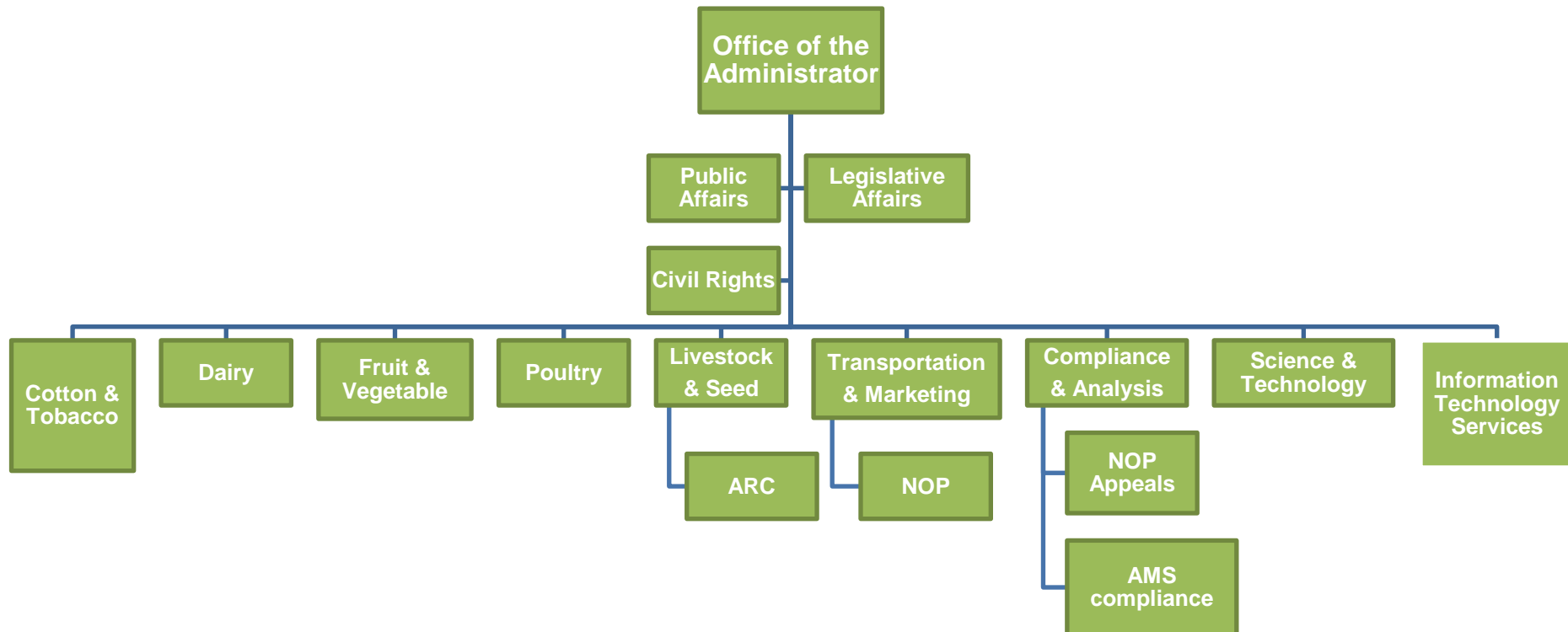


AMS Compliance & Analysis Program

- Handled NOP Complaints prior to 10/1/2008
- Handles NOP Appeals
- Assists the NOP in investigating allegations for possible civil or criminal penalties



AMS Organizational Chart





Complaints

Anyone may file a complaint if he or she believes a violation of the OFPA or its companion regulations has occurred or is about to occur.

www.ams.usda.gov/nop/compliance/filecomplaint.html

NOP investigates all complaints received.



How Complaints Are Filed

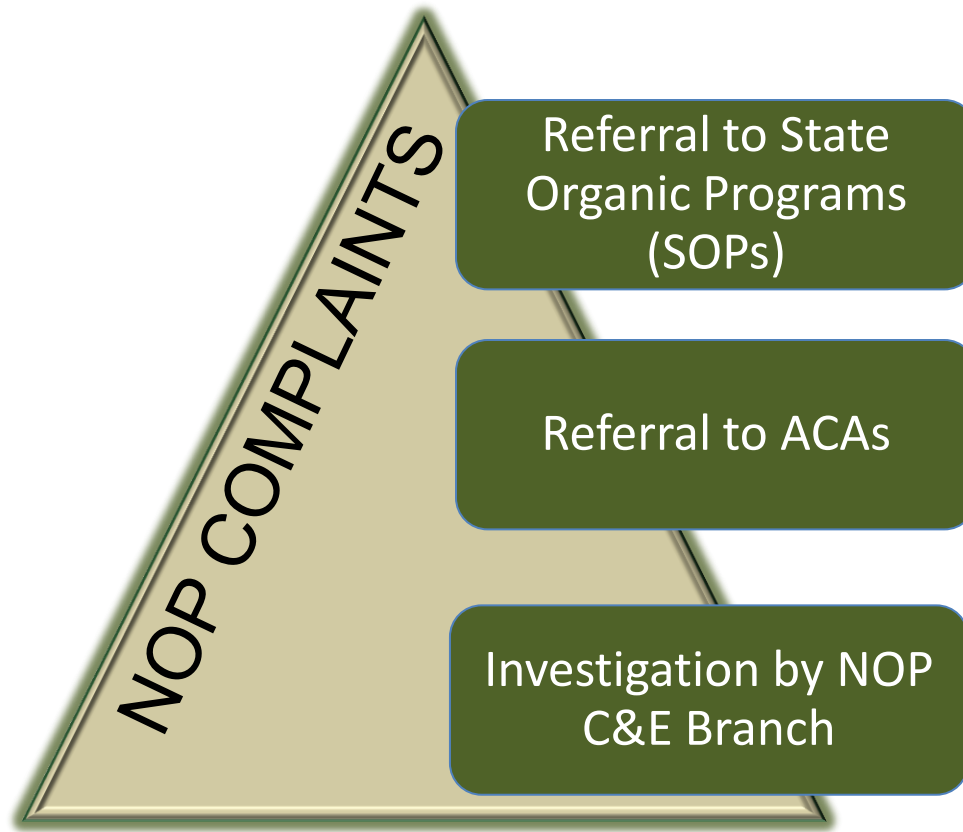
The NOP receives complaints via 4 venues:

- Telephone: 202-720-8311
- Fax: 202-205-7808
- Email: NOPCompliance@usda.gov
- Postal Mail:

NOP Compliance & Enforcement Branch,
Agricultural Marketing Service, USDA
1400 Independence Avenue, S.W.
Mail Stop 0268, Room 4003
Washington, DC 20250-0268



How Complaints are Handled





Referral to SOPs

Complaint involves a certified or non-certified operator operating in a state that has an approved State Organic Program.

Complainants are notified of such referrals

Complaints referred to SOPs are handled by the SOPs according to their particular accreditation agreements



Referral to SOPs

An SOP may refer cases back to the NOP for the following reasons:

- Failure to resolve the case;
- Lack of expertise to resolve a case;
- Lack of resources or authority to pursue civil action; or
- A specific request for NOP assistance.



Referral to ACAs

Complaint involves a certified operator in states where there is no approved SOP

NOP sends letter to ACA to request investigation.

Letter specifies allegations, deadline and information needed.

ACA's report their investigative actions and results back to NOP C&E



Referral to ACAs

ACAs may refer complaints back to the NOP C&E if they:

- Fail to resolve case
- Lack expertise to resolve
- Lack resources or authority
- Specifically request NOP assistance



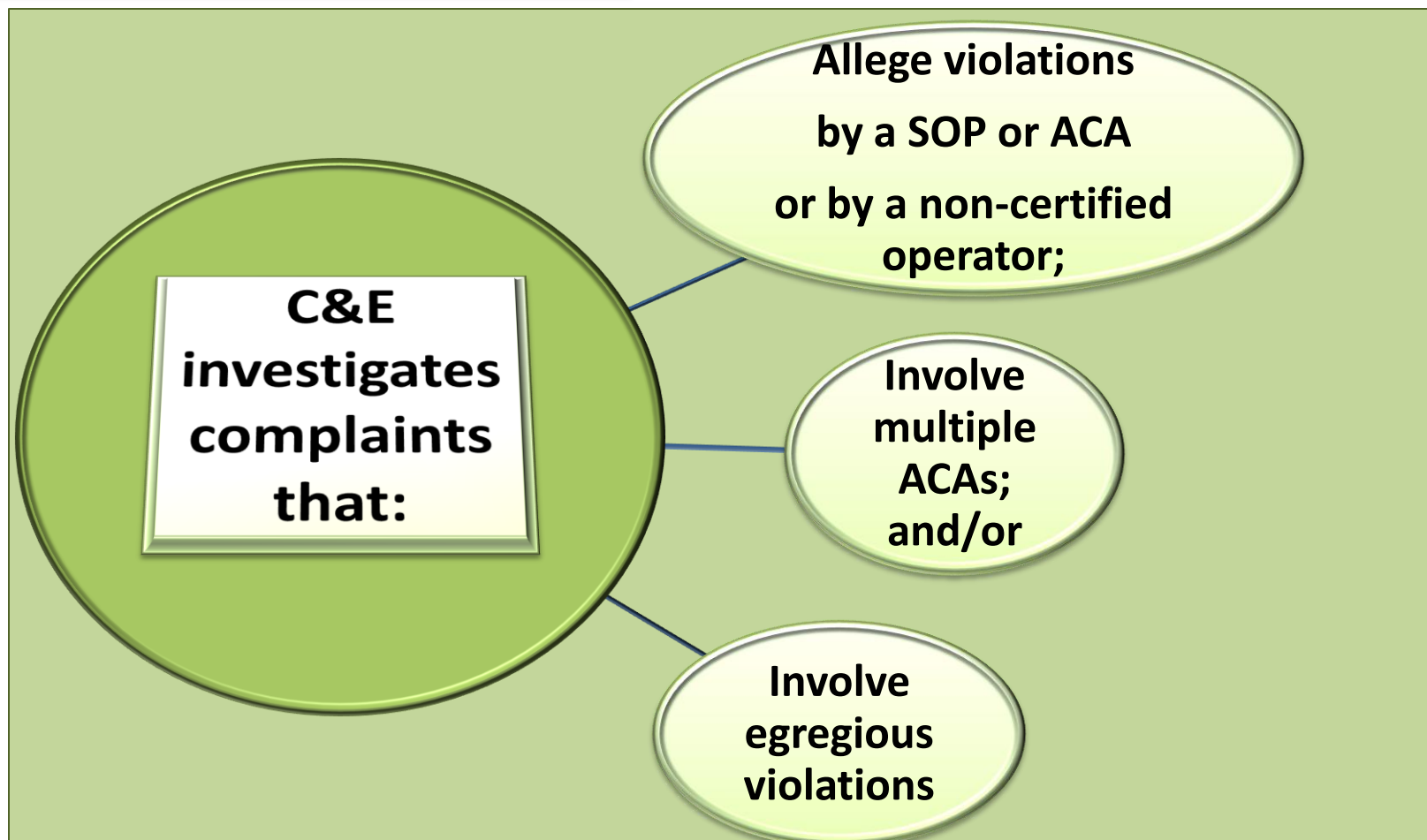
Referral to ACAs

Upon receipt of ACA investigative reports, C&E

- Evaluates whether actions taken by ACAs adequately address the complaints.
- Determines whether further investigation by the ACAs or by the NOP is warranted.
- Drafts appropriate closure documents to the complainant, the ACA and/or the operator.



C&E Investigation





C&E Investigation

C&E Investigative Activities Include:

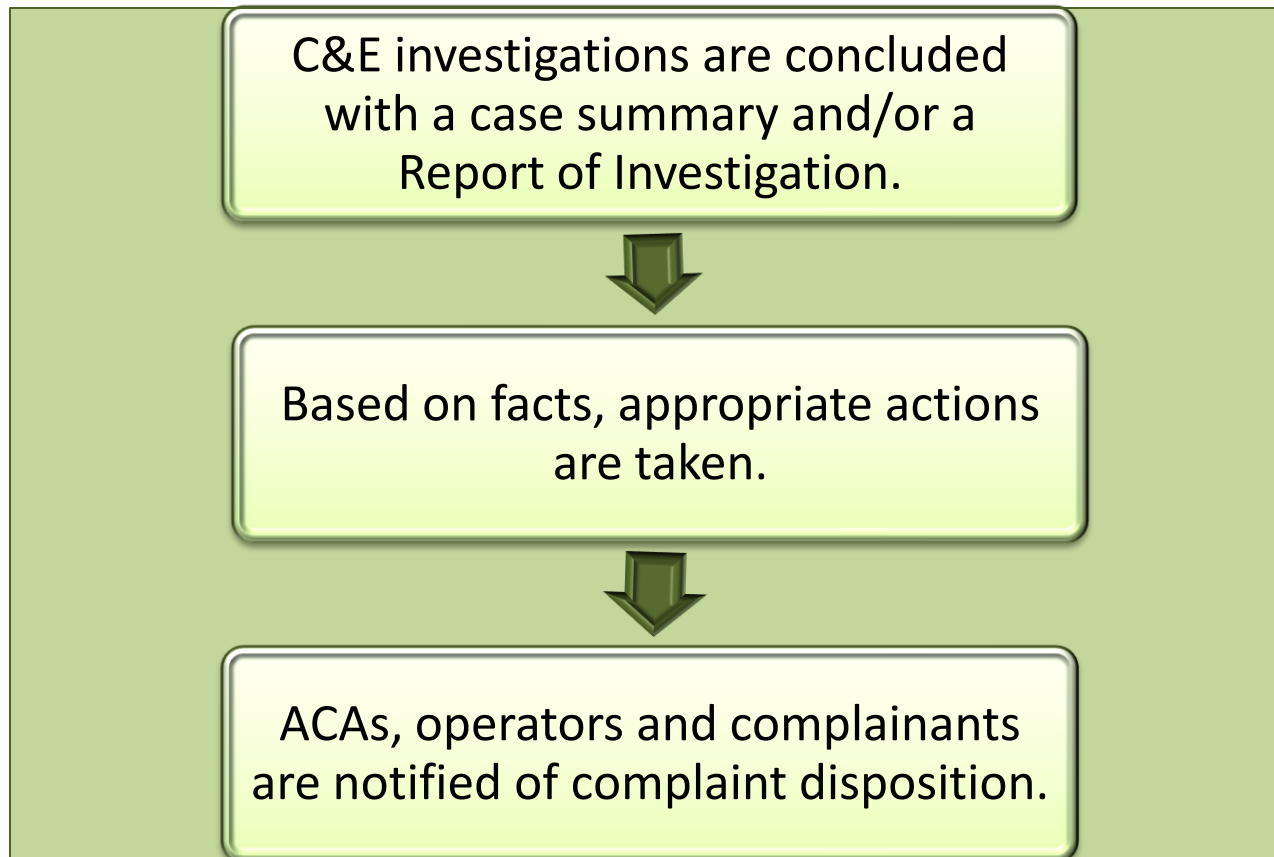
Analysis of
Documentary
Evidence

Onsite Evaluation

Interview of
witnesses



C&E Investigation





Conclusion

Questions & Discussion